

U.S. Department of Justice

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May 30, 2023

Via CM/ECF

MEMORANDUM ENDORSED

Hon. Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nieves v. Acting Commissioner of Social Security*
Civil Action No. 1:23-cv-02667
Joint Letter Request for Extension of Deadlines

Dear Judge Gorenstein:

This Office represents the Acting Commissioner of Social Security (Commissioner), the Defendant in this matter. We write respectfully with Plaintiff to request a reversal of the scheduling order and extension of the deadlines for briefing in the above-referenced Social Security case, in accordance with the Standing Order, *In re Briefing of Social Security Cases*, M 10-46, issued on November 18, 2022 (the Standing Order).

By scheduling order dated April 3, 2013, Judge Jennifer L. Rochon ordered that the Commissioner's brief is to be filed within 30 days of the filing of the certified administrative record (CAR), with Plaintiff's answering brief due 30 days after filing of the Commissioner's motion and the Commissioner's reply due 14 days after Plaintiff's brief is filed. ECF No. 5. The parties respectfully request that the briefing order be reversed, as set forth in the Standing Order. Furthermore, due to large caseloads, the parties request additional time to complete their respective briefs. Therefore, in accordance with the Standing Order, the parties have conferred about a proposed modified and comprehensive schedule for future filings in this case. The parties respectfully request that the Court approve the following proposed schedule.

- Plaintiff's brief shall be filed by July 31, 2023;
- Defendant's brief shall be filed by September 29, 2023; and
- Plaintiff reply shall be filed by October 20, 2023.

This is the first and only request for an extension of the filing deadlines in this case.

We thank the Court for its consideration of this request.

Respectfully submitted,


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The certified administrative record shall be filed on June 1, 2023. Plaintiff's brief shall be filed by July 31, 2023. Defendant's brief shall be filed by September 29, 2023. Plaintiff reply shall be filed by October 20, 2023.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge
May 30, 2023